

**Truro Board of Health Minutes  
March 4, 2014  
4:30 PM-Truro Town Hall**

**Members Present:** Vice Chair-Tracey Rose, Clerk-Jason Silva, Mark Peters, Tim Rose, Alternate-Ansel Chaplin.

**Members Absent:** Chair-Dianne Eib

**Present:** Health/Conservation Agent-Pat Pajaron, BOH Secretary-Noelle Scoullar, BOS Liaison-Bob Weinstein, Ellery Althaus, Claire Adams

**REVIEW/APPROVE MINUTES**

Tracey announced she would be running the meeting. The Chair, Dianne Eib, is out on sick leave. Tracey informed the public that the meeting was being recorded, and asked if anyone in the audience was recording. Hearing no answer in the affirmative, Tracey continued with the meeting.

**Mark Peters made a motion to approve the minutes from the February 4, 2014 meeting, as amended. Jason Silva seconded.**

**Vote: 5-0, motion carries.**

**REPORTS**

**Water Resources Oversight Committee**

Mark Peters had no report to give. Pat stated that the committee met last Monday. Their consultant, Blake Martin (from Weston and Sampson), went over the Phase 2 scope of services. There were a couple of corrections to that document, and they went over the final draft summary for Phase 1. The build-out analysis needs some tweaking. They also want to go over the wastewater piece, particularly larger systems which are over 2000 gallons per day.

**Health Agent's Report**

Pat had sent the Board copies of a couple of regulatory issues.

**#1- State Nutrient Management Regulations (fertilizer regulations).**

These are out for public comment. There will be a public hearing in Lakeville on March 26<sup>th</sup>, 2014 at 10:00AM. The hearing will run until approximately 12:00PM or 1:00PM. Written comments will also be accepted. The State Regulations are divided into two sections, agricultural and non-agricultural fertilizer applications. There are some differences between the regulations developed by the Commission, and the State draft.

**#2- Proposal for statewide housing court expansion.**

There is a proposal to the legislature to expand the housing court, state-wide, by July 2015. One third of the state's population does not have access to housing court, including Barnstable County.

Tracey asked where the closest housing court was, Pat replied, "Orleans District Court." Mark asked for a definition of "housing court". Pat explained that housing court has specialists in housing fields to resolve tenant disputes, referrals, and mediation. Tracey wanted it clarified where people with a housing issue would go. Pat stated any housing issue would be filed in Orleans District Court. Pat also sent the Board information on the expansion proposal. The proposal is to provide housing court state-wide. There would be a separate area for housing court issues only. Tim asked if it were effective yet, and Pat replied, "Not yet." Mark wanted to know who would be adjudicating this. Pat explained that it would be a Judge, who specializes in housing (105 CMR) issues. Items handled by housing court would include, but are not limited to, enforcement, evictions, housing issues, case mediation, response to emergencies, sanitary code violations.

## **PUBLIC HEARINGS**

### **1. Ellery Althaus and Claire Adams, Request to Conditionally Approve New Business License, Food Service Permit, and request for indoor seating for Salty Market, 2 Highland Rd (rescheduled from 2/18/14).**

Ellery and Claire approached the Board. Tracey had a preamble to read to the Board. They will not be voting on approving, or pre-approving a new business license at this meeting. There is no Certificate of Occupancy at this time, nor have the team inspections been conducted yet. The applicants are here, before the Board, to request that the public hearing process (part of the application process) be allowed to proceed even though the criteria has not yet been met. When the public hearing time arrives, hopefully the applicants will have all completed paperwork, will have passed all inspections without any issues, and will have the Certificate of Occupancy. Should there be any outstanding issues at the time of the public hearing; the Board of Health has the ability to continue the hearing in order to give the applicants time to correct any outstanding issues. Ellery stated that they are still on track, and are basically trying to limit the amount of time in which they have the store ready to go, yet empty. They are hoping to obtain their Certificate of Occupancy within the next two weeks. He also informed the Board that they are not going to ask for seating in the store at this time. There are a couple items which need to be completed before they can discuss seating. Pat had discussed seating with the applicants, and had talked about where the flow would be obtained from. They would have to eliminate one bedroom upstairs, which would free up 110 gallons per day. Because this is not a full service food service establishment, the 20 gallons per day, per seat, would be appropriate. Eliminating the one bedroom would afford them 5 seats. At this point, the applicants would need to go to site plan review for the parking for those seats. Mark feels that the best course of action would be to have a verbal punch list. If items fall into another timeframe, they can always cancel, postpone, or continue. Tracey then read an informal memo which the Board of Health received from the Board of Selectmen's office. The Board of Selectmen, at their meeting on February 25<sup>th</sup>, did not vote, but were in consensus to allow the public hearing advertisement, and abutters notification, to take place prior to the submission of all pertinent documentation, and inspections. This includes, but is not limited to, a Certificate of Occupancy of Salty Market, LLC located at 2 Highland Road. Tracey stated that in the spirit of "keeping it local", she asked if she had a consensus from the Board of Health to allow advertising for a public hearing for 2 Highland Road, Salty Market, LLC. All Board members agreed.

**2. Jane Peters, Approval of Food Service Permit for Christian Union Church, 27 Shore Rd.**

Mark stepped down in order to address the Board regarding this application, as he was speaking on Jane Peters behalf. Mark is a member of the Board of Trustees for the Christian Union Church. They are requesting the renewal of their annual food service permit. They have been inspected by the Health Agent, and have been in operation for many years. Pat stated that all the paperwork was turned in, and one of their members is a food service manager.

**Tim Rose made a motion to approve the food service permit for Christian Union Church.**

**Ansel Chaplin seconded.**

**Vote: 4-0, motion carries.**

**3. Winston Steadman, All Cape Environmental for Robert S. Doolittle, Request for Monitoring Reduction for AdvanTex Wastewater Treatment System at 22 Crestview Circle.**

Pat informed the Board that the applicant was aware of the date, and time of the meeting, yet was not present.

**Mark Peters made a motion to postpone this public hearing item until the end of the meeting, in case the applicant appears.**

**Jason Silva seconded.**

**Vote: 5-0, motion carries.**

At 4:53PM, the Board revisited this public hearing item. The applicant was not in attendance.

**Mark Peters made a motion to postpone this item to their next regularly scheduled meeting being held on Wednesday, March 19<sup>th</sup>.**

**Jason Silva seconded.**

**Vote: 5-0, motion carries.**

**AGENDA ITEMS:**

**None.**

**LICENSING RENEWAL APPROVALS**

- 1. Michael McGuinness, Manager, The Beacon, 101 Shore Rd, Motel License**
- 2. Stephen Ryan, Manager, The Highland Inn, 4 Moses Way, Motel License**
- 3. Jane Donoghue, Manager, Ocean Breeze Condominiums, 566 Shore Rd, Motel License**

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- 4. Eric Shapiro, Manager, Sutton Place Condominiums, 522 Shore Rd, Motel License**
- 5. Michelle Gawle, Manager, Crow's Nest Condominiums, 496 Shore Rd, Motel License**
- 6. Jack Peak & Joan Ford, Managers, Harbor View Condominiums, 168 Shore Rd, Motel License**
- 7. Richard Pesiri, Manager, Castle Pines Cottages, 124 Castle Rd, Motel License**
- 8. Carol Pesiri, Manager, Castle/Seascent Pines Cottages, 126 Castle Rd, Motel License**
- 9. Scott Perry, Central Liquors of Truro, 300 Route 6, Food Service and Tobacco License**
- 10. David Lewis, Lewis Brothers Ice Cream, 310 Commercial St., Provincetown, Food Service Permit for Ice Cream Truck and Ice Cream permit**
- 11. Arthur Martinez, Pilgrim Colony Condos, 670 Shore Rd, Motel License**
- 12. Joaquim Bento, White Village Nominee Realty Trust, 345 Shore Rd, Motel License**

Tracey read off the list of all twelve applicants. Noelle informed the Board that all paperwork had been received for all the applicants, and that they were in good standing. Pat agreed.

**Mark Peters made a motion to approve all twelve applicants, and grant their renewal licenses.**

**Tim Rose seconded.**

**Vote: 5-0, motion carries.**

Mark noticed that the next Board of Health meeting was going to be held on Wednesday, March 19<sup>th</sup>, and asked why. Noelle informed the Board that the Board of Selectmen would be holding their meeting on Tuesday, March 18<sup>th</sup>, and there would be a time conflict. Tim announced that he would not be in attendance at the March 19<sup>th</sup> meeting.

Before adjourning, Mark addressed some comments he's received from people who live on Priest Road. This is regarding the house which has been abandoned for over 25 years. All the plywood is falling off, and the house is clad in asbestos shingles. He respectfully requested that the health agent take a look at the property. He also pointed out that in the newspaper there was a report about 25 Meetinghouse Road. The article states that people are living in an outbuilding. The Board has had problems with the owner of this property in the past, and he requested that the health agent investigate. Mark also advised Pat to take a police officer with her. Pat is aware, and stated that it will take a team inspection, and that they may need an administrative warrant to enter the property. Tracey asked for clarification on which property she was referring to. Pat stated this was in regard to 25 Meetinghouse Road.

**Mark Peters made a motion to adjourn at 4:56PM.**

**Tim Rose seconded.**

**Vote: 5-0, motion carries.**

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**Chair-Dianne Eib**

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**Vice Chair-Tracey Rose**

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**Clerk-Jason Silva**

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**Mark Peters**

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**Tim Rose**

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**Alternate-Ansel Chaplin**